

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	M.B.D. Case No. 20-MC-91399
)	
CARL AUGUSTE,)	
Defendant)	

ORDER OF CONTINUANCE AND EXCLUDABLE DELAY


November 30, 2020

Upon consideration of the government's motion seeking an order of continuance and excludable delay, the Court finds as follows:

1. The defendant was charged by complaint in United States v. Carl Auguste, 20-mj-6193-MPK. The parties are engaged in preliminary discussions regarding the possible resolution of this matter that might result in an agreed disposition and obviate the need for an indictment. These discussions are, to an extent, dependent on an ongoing but as yet unfinished evaluation of the defendant by a third party. The progress of that evaluation has, until recently, been hampered by factors related to the ongoing public health crisis. The evaluation, which is critical to the parties' ability to determine whether a pre-indictment resolution is possible, remains incomplete. The date on which an indictment or information must be filed was previously extended as part of an omnibus order related to the lack of grand juries seated in the district, which applied to several similarly-situated defendants (MBD Case No. 20-91142), and on one other occasion for the reasons stated herein. Grand jury proceedings have resumed, albeit with limited availability. The government indicates that it does not expect to request further extension of the time within which it may indict or file an information.

2. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit or assist the government's ongoing investigation.

3. Accordingly, the Court hereby grants the government's motion and **ORDERS** that, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases*, (1) the date on which an indictment or information must be filed is continued to **January 15, 2021**; and (2) the period from November 27, 2020 through and including January 21, 2021 is excluded from the speedy trial clock and from the time within which an indictment or information must be filed.



HONORABLE DENISE J. CASPER
UNITED STATES DISTRICT JUDGE